



RECEIVED  
AUG 06 2003  
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian R. Murphy, et al

Title: Use Of Recombinant Parainfluenza Viruses (PIVS) As Vectors To Protect Against Infection and Disease Caused By PIV and Other Human Pathogens

Serial No.: 09/733,692

Filing Date: December 8, 2000

Examiner/Unit: 1648

Attorney Docket No.: 2303-16-3/E-099-99/0 (formerly NIH-0239)

TRANSMITTAL LETTER

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of July, 2003.

  
Signature

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

1.   X   A Response in the above-identified application.  
No additional fee is required.
2.   X   Petition for Extension of Time Under 37 CFR 1.136(a).  
Check No. 20748 in the amount of \$1,970.00 is attached.
3.   X   Request for Continued Examination (RCE) Transmittal  
Check No. 20749 in the amount of \$750.00 is attached
4.   X   Declaration of Brian M. Murphy

5.   X  

Postcard

6.   X  

Please charge any deficiency fees or credit overpayment to  
Deposit Account No. 07-1897.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

Dated: July 29, 2003



---

Jeffrey J. King

Registration No. 38,515

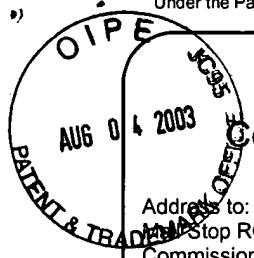
Graybeal Jackson Haley LLP

155 - 108th Avenue N.E., Suite 350

Bellevue, WA 98004-5901

(425) 455-5575

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information unless it displays a valid OMB control number.



# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                             |
|------------------------|-----------------------------|
| Application Number     | 09/733,692                  |
| Filing Date            | December 8, 2000            |
| First Named Inventor   | Brian R. Murphy             |
| Art Unit               | 1648                        |
| Examiner Name          | S. Brown                    |
| Attorney Docket Number | 2303-16-3 formerly NIH-0238 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☒ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other 5 mo Petition for Extension
- Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge any deficiency fees, or credit any overpayments, to Deposit Account No. 07-1897

i. ☒ RCE fee required under 37 C.F.R. 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

08/05/2003 AMONDAF1 00000057 09733692

02 FC:1801

750.00 OP

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                    |                    |                                   |               |
|--------------------|--------------------|-----------------------------------|---------------|
| Name (Print /Type) | Jeffrey J. King    | Registration No. (Attorney/Agent) | 38,515        |
| Signature          | <i>[Signature]</i> | Date                              | July 29, 2003 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

|                    |                    |
|--------------------|--------------------|
| Name (Print /Type) | Donna Zimmerman    |
| Signature          | <i>[Signature]</i> |
| Date               | July 29, 2003      |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.